

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEONARD JOHNSON,

Plaintiff,

v.

H. MARTINEZ, Warden, Pleasant Valley  
State Prison; MATTHEW CATE,  
Secretary, CDCR; and S. LONIGRO, Chief  
Medical Officer, Pleasant Valley State  
Prison,

Defendants.

Case No. 1:25-cv-00850-HBK

ORDER TO SHOW CAUSE

FOURTEEN DAY DEADLINE

This matter comes before the Court upon period review of the file. Plaintiff, proceeding pro se, filed a civil complaint on July 14, 2025. (Doc. No. 1). On August 4, 2025, Plaintiff paid the \$405.00 filing fee (receipt no. 100005715). On August 14, 2025, the Clerk of Court issued summons for Defendants. (Doc. No. 6). As of the date on this order, no return of service on the summons has been docketed. (*See generally* docket).

Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 90 days of filing the complaint. The time may be extended for good cause shown. If a defendant is not served within the requisite time period, after notice to plaintiff, the court must dismiss the action without prejudice, or order that service be made within a certain time period. (*Id.*) (emphasis added). Because more than 90 days have passed and it does not appear any defendant

1 has been served a copy of the complaint and summons, Plaintiff is directed to show good cause  
2 why the defendants should not be dismissed under Rule 4 and/or this case dismissed for  
3 Plaintiff's failure to prosecute this action. Fed. R. Civ. P. 41(b).

4 Further, on September 4, 2025, the Court set this matter for a mandatory Initial  
5 Scheduling Conference for December 4, 2025. (Doc. No. 8). The September 4, 2025 Order  
6 required the parties to file a joint scheduling report no later than fourteen (14) days prior to the  
7 December 4, 2025 Conference. (*Id.* at 2:15-16). As of the date of this Order, the parties have  
8 failed to file a joint scheduling report. Consequently, the Court will vacate the Initial Scheduling  
9 Conference.

10 Accordingly, it is **ORDERED**:

11 1. Within fourteen (14) days of the date on this Order, Plaintiff shall show good cause  
12 why the defendants should not be dismissed under Federal Rule of Civil Procedure 4(m) and/or  
13 this case dismissed under Fed. R. Civ. P. 41(b) for Plaintiff's failure to prosecute this action.

14 2. Failure to respond to this order will result in the recommendation that this case be  
15 dismissed.

16 3. The Court vacates the Initial Scheduling Conference set for December 4, 2025 at 11:30  
17 A.M.

18  
19 Dated: December 1, 2025

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21 HELENA M. BARCH-KUCHTA  
22 UNITED STATES MAGISTRATE JUDGE  
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